

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 1:06cr00594-023</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE: JAMES S. GWIN</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>DARRYL SMITH,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter was heard on October 7, 2011, upon the request of the United States Pretrial and Probation Office for a finding that defendant had violated the conditions of his supervised release. The violation report was referred to United States Magistrate Judge Nancy Vecchiarelli on September 19, 2011, to conduct appropriate proceedings and for the issuance of a Report and Recommendation. The Report and Recommendation was issued on September 21, 2011.

Defendant Smith was present at the hearing on October 7, 2011, and represented by Attorney Carolyn Kucharski. Upon inquiry by the Court defense counsel advised no objection had been filed to the Report and Recommendation and the Court adopted same finding that defendant had violated the conditions of supervision as follows:

- 1) violation of Home Confinement Program;
- 2) failure to attend drug aftercare;
- 3) new law violation and subsequent conviction.

The Court, after hearing from counsel for the parties and considering the Sec. 3553

factors, sentenced defendant to a prison term of 12 months and 1 day with credit for time served in federal custody on the violations. Upon defendant's release from incarceration the period of supervised release shall terminate.

The defendant is remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

**IT IS SO ORDERED.**

Dated: October 7, 2011

s/ *James S. Gwin*

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE